

Remarks

Claims 1-29 are at issue. Claims 1-11, 13-15, 17-23 & 25-29 stand rejected under 35 USC 102(b) as being anticipated by Blinn et al (USPN 5897622). Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over Blinn et al view of Jamtgaard et al (US 6430624). Claim 24 stands rejected under 35 USC 103(a) as being unpatentable over Blinn et al view of Povilus (US 5740425). Claims 12 and 16 are objected to as being dependent upon an allowable base claim.

Response to the Response to Arguments

1. HTML is a Presentation Language

According to numerous sources HTML is a presentation language not a hierarchical data scheme. For instance, "Basic XML for Technical Writers" by Ann Rosenthal (http://www.pressenter.com/~arosen/basic_xml_for_technical_writers.htm) states on page 2 "HTML tags describe how to display data, XML tags tell what the data means and how it relates to other data". The portion of the Blinn pointed to by the Examiner are web pages that present store departments, product information etc., but the data presented is not associated with its context and does not represent a hierarchical data structure. A computer cannot parse the file "dept.html" and determine that there is department data or how that data is associated with various departments. A "Word" document may have words that associate data with its context such as product and price, but no one would mistake this for a data structure since the computer just stores how to present the data not what the data means. In a word document, a human is required to interpret the data and associate it with its context. The suggestion by the Examiner that HTML is a data structure is unsupported by Blinn and every other reference the applicants can find on HTML.

In order for the Examiner to continue to take her position she must find a technical document that shows HTML being used as a data structure and not presentation language.

2. HTML is not Extensible

According to all the experts in this field HTML is not extensible. For instance, "Frequently Asked Questions about the Extensible Markup Language", version 1.6 (21 July 2000, (<http://www.oopweb.com/XML/Documents/XMLFAQ/VolumeFrames.html?/XML/Documents/XMLFAQ/XMLFAQ.htm>) states on page 6, "XML is the 'Extensible Markup Language' (extensible because it is not a fixed format like HTML)". The suggestion that HTML is extensible is not supported by the section of Blinn pointed to by the Examiner and is unsupportable. Every person skilled in the art would point out to the Examiner that one of the main reasons for developing XML was that HTML was not extensible. The Examiner is clearly wrong on this point.

3. HTML is not a hierarchical data scheme.

The claims require both the first and second hierarchical data scheme be selected from extensible markup language schemes, relational databases, non-relational databases etc. In Blinn, HTML has to be one of the two hierarchical data schemes. But HTML is not a hierarchical data scheme, as the enclosed documents make abundantly clear. HTML is a presentation language not a hierarchical data scheme language. The Examiner is clearly wrong on this point.

Unless the Examiner can find some source for her positions, which are diametrically opposed to the experts in this field, she must withdraw the rejections based on these three points.

Numerous other tutorials are enclosed for the Examiner's convenience. These tutorials explain the difference between HTML and XML (data structures).

Claims

Claim 1 requires a first and second hierarchical data scheme and the claim defines a hierarchical data scheme as a scheme that groups data and its context. This definition can be found in the specification at page 2, lines 19-24. Note that the list of examples of hierarchical data structures does not include HTML as used by Blinn et al. Blinn converts database information into an HTML page. HTML is a presentation or display language not a data structure. As a result HTML combines a tag with data, however the tag explains how the data is presented on a computer screen, not the context of the data. For instance, `<bold> $9.99</bold>` tells the browser (client) to bold the data, e.g., **\$9.99**, but it does not tell you that \$9.99 is a price. Clearly, Blinn does not convert data in a first hierarchical data scheme to a second hierarchical data scheme. Claim 1 is allowable.

Claims 2-4, 8, & 10-11 are allowable as being dependent upon an allowable base claim.

Claim 5 requires the template to be an eXtensible Markup Language (XML) document. A computer search of Blinn shows that he never mentions XML or extensible markup language. Clearly Blinn does not have an XML template. Claim 5 is allowable.

Claim 6 requires the template have an XML document type definition. A computer search of Blinn shows that he never mentions XML or extensible markup language. Clearly Blinn does not have an XML document type definition. Claim 6 is allowable.

Claim 9 further defines the group of items that fit the second hierarchical data scheme. In the Examiner's analogy to Blinn the second hierarchical data structure would be the HTML. HTML is not in the list of claim 9. Claim 9 is clearly allowable over the prior art.

Claim 13 defines a hierarchical data scheme as a scheme that groups data and its context. This definition can be found in the specification at page 2, lines 19-24. Note that the list of examples of hierarchical data structures does not include HTML as

used by Blinn et al. Blinn converts database information into an HTML page. HTML is a presentation or display language not a data structure. As a result HTML combines a tag with data, however the tag explains how the data is presented on a computer screen, not the context of the data. For instance, <bold> \$9.99</bold> tells the browser (client) to bold the data, e.g., \$9.99, but it does not tell you that \$9.99 is a price. Clearly, Blinn does not convert data in a first hierarchical data scheme to a second hierarchical data scheme. Claim 13 is allowable.

Claims 14-15, 17 are allowable as being dependent upon an allowable base claim.

Claim 18 requires a static extensible markup language template. A computer search of Blinn shows that he never mentions XML or extensible markup language. Clearly Blinn does not have an XML template. Claim 18 is allowable.

Claims 19 & 23-25 are allowable for the same reasons as claim 18.

Claim 26 requires a sample extensible markup language file. A computer search of Blinn shows that he never mentions XML or extensible markup language. Clearly Blinn does not have a sample XML file. Claim 26 is allowable.

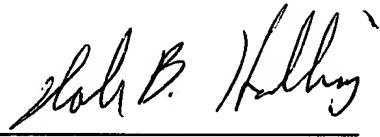
Claims 27-29 are allowable as being dependent upon an allowable base claim.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

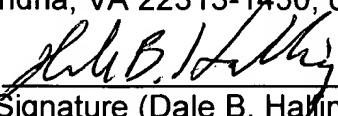
(Vandersluis)

By


Dale B. Halling
Attorney for the Applicant
Registration No. 38,170
Phone: (719) 447-1990
Fax: (719) 447-9815

I hereby certify that an Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on:

3/16/04
Date


Signature (Dale B. Halling)